



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659

TRIBAL COUNCIL MEMORANDUM

TO: *The Paiute Indian Tribe of Utah Tribal Members*

FROM: *The Paiute Indian Tribe of Utah Tribal Council* 

Date: *July 25, 2019*

RE: *U.S. Department of Housing and Urban Development, Indian Housing Block Grant Fiscal Year 2020, Utah Paiute Tribal Housing Authority*

It has come to the attention of the Paiute Indian Tribe of Utah Tribal Council that we need to inform the general membership of the Paiute Indian Tribe of Utah why we are hesitant to sign the Indian Housing Block Grant Agreement for Fiscal Year 2020.

The Native American Housing Assistance and Self-Determination Act "NAHASDA" was enacted in 1996. This act recognized the rights of the tribal self-governance and the unique relationship between the Federal Government and Tribal Governments. NAHASDA provides annual funding for housing to Indian communities through the Indian Housing Block Grant "IHBG." These funds are provided directly to a tribe or a tribally designated housing entity.

The Utah Paiute Tribal Housing Authority became the Tribally Designated Housing Entity for the Paiute Indian Tribe of Utah by Resolution 98-15 and Resolution 2008-08.

NAHASDA § 102(c) states:

PARTICIPATION OF TRIBALLY DESIGNATED HOUSING ENTITY- A plan under this section for an Indian tribe may be prepared and submitted on behalf of the tribe by the tribally designated housing entity for the tribe, but only if such plan contains a certification by the recognized tribal government of the grant beneficiary that such tribe-- (1) has had an opportunity to review the plan and has authorized the submission of the plan by the housing entity; or (2) has delegated to such tribally designated housing entity the authority to submit a plan on behalf of the tribe without prior review by the tribe.

IHBG, Section 8: IHP Tribal Certification states:

This certification is used when a Tribally Designated Housing Entity (TDHE) prepares the IHP or IHP amendments on behalf of a tribe. **This Certification must be executed by the recognized tribal government covered under the IHP.**

An outline of the events are as follows:

May 20, 2019: IHP Draft Review Meeting held at the Utah Paiute Tribal Housing Authority Conference Room. During this meeting UPTHA stated they would put together a letter to distribute to Tribal Council in regard to questions.

June 4, 2019: The Paiute Indian Tribe of Utah Tribal Council request to meet with the Utah Paiute Tribal Housing Authority Board of Commissioners.

June 10, 2019: UPTHA sent a fax to the Paiute Indian Tribe of Utah Front Desk to post the Indian Housing Plan.

June 18, 2019: Tribal Secretary Carol Garcia received a letter back stating they could not meet on the proposed dates. UPTHA would like other dates with an agenda.

July 12, 2019: Utah Paiute Tribal Housing Authority sent the IHP via e-mail with no presentation to the Paiute Indian Tribe of Utah Tribal Council.

July 17, 2019: The Paiute Indian Tribe of Utah Chairperson, Cc'd on e-mail regarding the 2020 IHP from Lori Rogue, Grant Division Director of the Northern Plains Office, the Office of Native American Programs, The U.S. Department of Housing and Urban Development. Regarding implications of the deadline and possibly not being funded for the FY2020.

July 18, 2019: Utah Paiute Tribal Housing Authority was contacted by Ed Goodman, the Tribe's legal counsel with Hobbs, Strauss, Dean, and Walker regarding the IHBG Agreement, much like the agreement that are now signed with the Bands when seeking the Indian Community Development Block Grant (ICDBG).

July 18, 2019: James Jensen, Utah Paiute Tribal Housing Authority writes scathing letter to Ed Goodman, Tribal Attorney.

July 18, 2019: Tribal Chairperson meet with the Tribal Council in an emergency session to discuss the IHP and authorization to sign the document.

July 18, 2019: Tribal Chairperson was authorized to sign the Tribal Certification and sent directly to HUD, with letters outlying the frustration that PITU is currently facing. All the attachment sent to HUD are attached to this document. All deadlines were met to ensure our Tribal Members are not impacted.

Our hope in releasing all these documents is to clear up any confusion that is taking place by the miscommunication from the Tribe and the Housing Authority. Frankly, the Board of Commissioners that took to spreading malicious rumors via social media and various other platforms should be reprimanded for placing fear on our Tribal Membership. Ultimately, the PITU has no direct control over UPTHA

because they are a separate entity, but the funding is procured on behalf of the Tribe and must be approved by the Tribe. All the PITU can do is try and communicate the truth to the tribal membership without inciting fear. If you have any questions regarding this matter, please put your remarks in writing and attention them to Carol Garcia, Tribal Council Secretary or you can email her at cgarcia@utahpaiutes.org

How the Utah Paiute Tribal Housing Authority Receives Funding

NAHASDA appropriates money on behalf of Congress to authorize funds to American Indian/Alaskan Native for Housing



The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA):
Background and Funding

HUD Receives the funding to administer to Indian Tribes under NAHASDA



The Paiute Indian Tribe of Utah is the tribe that receives the money allocated by HUD.

Through a resolution as outlined in NAHASDA the PITU is allowed to choose a TDHE or department to receive and administer the funds on behalf of the Paiute Indian Tribe of Utah. The Utah Paiute Tribal Housing Authority by Resolution is the PITU's TDHE. PITU is still fiscally responsible and accountable for the funding and is required to certify and approve the Indian Housing Plan Annually for UPTHA to receive any fiscal year funding



The Utah Paiute Tribal Housing Authority is also registered as a Public Body Corporation that must comply and follow the State of Utah Law and has no sovereignty immunity. They are eligible to receive some state assistance.



The State of Utah legally holds UPTHA responsible for abiding by State Laws. Currently the only funding given to UPTHA is the Low-Income Housing Tax Credit Project, that required PITU approval.



Utah Paiute Tribal Housing Authority

565 North 100 East • Cedar City, Utah 84721 • (435) 586-1122

**TENTATIVE AGENDA
2020 INDIAN HOUSING PLAN (DRAFT) REVIEW
MONDAY, MAY 20, 2019 AT 10:00 AM
HOUSING AUTHORITY CONFERENCE ROOM**

OPENING:

ROLL CALL:

ADOPTION OF AGENDA:

NEW BUSINESS:

1. PRESENTATION OF 2020 INDIAN HOUSING PLAN (IHP) (DRAFT)
2. FUNDING ALLOCATION
3. PROGRAMS (7)
4. TIME LINE TO COMPLETION

ADJOURNMENT:



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659

June 4, 2019

Sent via e-mail/USPS

Utah Paiute Tribal Housing Authority
Housing Board Commissioners
565 N. 100 E.
Cedar City, UT 84721

Dear UPTHA Commissioners:

The Paiute Indian Tribe of Utah is requesting to meet with the Board of Commissioners to discuss an Indian Housing Block Grant Agreement between the Paiute Indian Tribe of Utah and the Utah Paiute Tribal Housing Authority. We are proposing to meet on Thursday, June 20, 2019 or Thursday, June 27, 2019 at 10:00am in the Tribal Council Chambers.

Please respond to Carol Garcia at cgarcia@utahpaiutes.org with one of the proposed dates listed above by Monday, June 15, 2019.

Sincerely,

Tamra Borchardt-Slayton
The Paiute Indian Tribe of Utah
Chairperson

CC: Tribal Council Secretary



Utah Paiute Tribal Housing Authority

505 North 100 East • Cedar City, Utah 84721 • (435) 586-1122

FAX COVERSHEET

TO: PITU Front Desk

FROM: UPTHA

DATE: 06/10/2019

FAX: (435)586-7388

PAGES INCLUDING FAX COVER: 11

PLEASE POST

THANK YOU!



Utah Paiute Tribal Housing Authority

565 North 100 East • Cedar City, Utah 84721 • (435) 586-1122

June 5, 2019


Utah Paiute Tribal Housing Authority
565 North 100 East
Cedar City, Utah 84721

To Whom It May Concern:

Re: FY 2020 Indian Housing Plan 30-Day Public Comment Period

Attached to this cover letter is a draft of the Fiscal Year 2020 "Indian Housing Plan." Please review the plan and provide any comments to the undersigned by mail (at the above address) or by email at jcemery763@gmail.com.

Sincerely,


James Emery
Executive Director

Attachment:

FY 2020 Indian Housing Plan Draft

6/9/2019

EPIC - U.S. Department of Housing and Urban Development (HUD)



Energy and Performance Information Center (EPIC)

Grant Number: 55-IH-49-12760

Report: IHP Report for 2020

OMB CONTROL NUMBER: 2577-0218

EXPIRATION DATE: 07/31/2019

Cover Page

Grant Information:

Grant Number	55-IH-49-12760
Recipient Program Year	10/01/2019-09/30/2020
Federal Fiscal Year	2020
Initial Indian Housing Plan (IHP):	Yes
Amended Plan	
Annual Performance Report (APR):	
Amended Plan	
Tribe:	
TDHE:	Yes

Recipient Information:

Name of the Recipient	UTAH PAIUTE HOUSING AUTHORITY
Contact Person	Emery, James
Telephone Number with Area Code	435-586-1122
Mailing Address	585 North 100 East
City	Cedar City
State	UT
Zip	84721
Fax Number with Area Code	435-586-0898
Email Address	jcemery763@gmail.com
Tribes:	Palute Indian Tribe of Utah

TDHE/Tribe Information:

Tax Identification Number	870361020
DUNS Number	868395807
CCR/SAM Expiration Date	06/22/2019

Planned Grant-Based Budget for Eligible Programs:

IHBG Fiscal Year Formula Amount	\$1,893,000.00
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Housing Needs

Type of Need (A)	Low-Income Indian Families (B)	All Indian Families (C)
Overcrowded Households	✓	
Renters Who Wish to Become Owners	✓	✓

6/9/2019

EPIC - U.S. Department of Housing and Urban Development (HUD)

Substandard Units Needing Rehabilitation	✓	✓
Homeless Households	✓	✓
Households Needing Affordable Rental Units	✓	
College Student Housing	✓	
Disabled Households Needing Accessibility	✓	✓
Units Needing Energy Efficiency Upgrades	✓	✓
Infrastructure to Support Housing	✓	✓
Other (specify below)	✓	✓
Other Needs	Under other needs, the need exists for housing outreach. This service provides for the all-around well being of the tenant in terms of housing counselling, locating available resources, pathway to home-ownership combined with other types of training classes aimed at improving housing situations.	
Planned Program Benefits	The Utah Palute Tribal Housing Authority (UPTHA) plans to address the needs of low-income Indian families in our service area by providing the following programs and activities using IHBG Funds: 1. Modernize our Current Assisted Stock (CAS) to make the units more energy efficient and bring the units up to our quality standards using ICDBG funds. 2. Operate and maintain CAS in accordance with UPTHA adopted policies and procedures aimed at reducing overcrowding and prevent homelessness. 3. Provide Tenant Based Rental Assistance through our housing services program to help reduce homelessness and assist households needing affordable rental units. 4. Provide crime prevention activities to the residents of the affordable housing areas served by the UPTHA to help reduce the number of crime reports. 5. Provide down payment and closing cost assistance to eligible tribal members. Also, assist renters who wish to become home-buyers and to address homelessness. 6. Provide insurance coverage for homes owned by eligible elderly tribal families and persons with disabilities to prevent homelessness. 7. ROSS Grant available resources to improve housing situations through training and education.	
Geographic Distribution	We plan to meet the needs of low income Indian families by providing housing assistance to residents of affordable housing located throughout the five county service area in Southwestern Utah.	

Programs

2020-01 : Modernization of 1937 Act Housing

Program Name:	Modernization of 1937 Act Housing
Unique Identifier:	2020-01
Program Description (continued)	UPTHA plans to modernize our Current Assisted Stock (CAS) using FY 2015 Indian Community Development Block Grant (ICDBG) funds. 7 units remain to be modernized during the period covered by the plan. In addition, the remainder of 20 roofs and 10 perimeter fencing will be completed as well.
Eligible Activity Number	(1) Modernization of 1937 Act Housing [202(1)]
Intended Outcome Number	(3) Improve quality of substandard units
APR: Actual Outcome Number	This information is only completed for an APR.
Who Will Be Assisted	Eligible low income Indian families.
Types and Level of Assistance	The type of modernization assistance we plan to provide will include making the units more energy efficient along with bringing the units up to our quality standards. The level of assistance will be an average of up to \$49,000 per unit.
APR : Describe Accomplishments	This information is only completed for an APR.

6/9/2019

EPIC - U.S. Department of Housing and Urban Development (HUD)

Planned and Actual Outputs for 12-Month Program Year	Planned	APR - Actual
Number of Units to be Completed in Year	0	This information is only completed for an APR.
APR: If the program is behind schedule, explain why	This information is only completed for an APR.	

Uses of Funding:

The Uses of Funding table information can be entered here for each individual program or can be entered for all programs within Section 5(b): Uses of Funding. Changes to data on either page location will update in both Section 3: Program Descriptions and Section 5(b): Uses of Funding accordingly.

Prior and current year IHBG (only) funds to be expended in 12-month program year (L)	Total all other funds to be expended in 12-month program year (M)	Total funds to be expended in 12-month program year (N=L+M)
\$25,000.00	\$330,000.00	\$355,000.00

2020-02 : Operating and maintaining our current assisted stock

Program Name:	Operating and maintaining our current assisted stock				
Unique Identifier:	2020-02				
Program Description (continued)	UPTHA plans to continue to operate and maintain our CAS in accordance with our adopted policies and procedures. Our units will be operated in accordance with our adopted eligibility, Admissions, and Occupancy policies and procedures and will be maintained in accordance with UPTHA adopted maintenance policies and procedures to assure that the units meet our quality standards and remain viable as affordable housing. We also plan to continue to maintain an adequate labor force to provide maintenance, occupancy management, finance and tenant accounting, inspection, processing loss claims, and other services to the residents occupying our CAS.				
Eligible Activity Number	(2) Operation of 1937 Act Housing [202(1)]				
Intended Outcome Number	(6) Assist affordable housing for low income households				
APR: Actual Outcome Number	This information is only completed for an APR.				
Who Will Be Assisted	Eligible low income Indian families.				
Types and Level of Assistance	The type of assistance UPTHA plans to provide is operating and maintaining our owned and managed units in accordance with our policies and procedures so that the units remain functional, safe and affordable at no cost to the program participants except for tenant caused damages. The level of assistance will include providing an adequate labor force to perform maintenance, occupancy, inspection and other services.				
APR : Describe Accomplishments	This information is only completed for an APR.				
Planned and Actual Outputs for 12-Month Program Year	<table> <tr> <th>Planned</th><th>APR - Actual</th></tr> <tr> <td>Number of Units to be Completed in Year</td><td>0 This information is only completed for an APR.</td></tr> </table>	Planned	APR - Actual	Number of Units to be Completed in Year	0 This information is only completed for an APR.
Planned	APR - Actual				
Number of Units to be Completed in Year	0 This information is only completed for an APR.				
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Prior and current year IHBG (only) funds to be expended in 12-month program year (L)	Total all other funds to be expended in 12-month program year (M)	Total funds to be expended in 12-month program year (N=L+M)
\$950,000.00	\$377,000.00	\$1,327,000.00

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EPIC - U.S. Department of Housing and Urban Development (HUD)

2020-03 : Provide Tenant Based Rental Assistance Through our housing services program

Program Name;	Provide Tenant Based Rental Assistance Through our housing services program	
Unique Identifier;	2020-03	
Program Description (continued)	UPTHA plans to provide funding to assist eligible Indian families with rental assistance in accordance with our adopted Tenant Based Rental Assistance program policies and procedures.	
Eligible Activity Number	(17) Tenant Based Rental Assistance [202(3)]	
Intended Outcome Number	(6) Assist affordable housing for low income households	
APR: Actual Outcome Number	This information is only completed for an APR.	
Who Will Be Assisted	Low income eligible Indian families.	
Types and Level of Assistance	The type of assistance we plan to provide is tenant base rental assistance. The level of financial assistance for each household shall be the difference between the HUD established Fair Market Rent for the county where the unit is located and 30% of the household's adjusted monthly income.	
APR : Describe Accomplishments	This information is only completed for an APR.	
Planned and Actual Outputs for 12-Month Program Year	<p style="text-align: center;">Planned</p> <p>Number of Households to be served in Year</p> <p style="text-align: center;">0</p>	<p style="text-align: center;">APR - Actual</p> <p>This information is only completed for an APR.</p>
APR: If the program is behind schedule, explain why	This information is only completed for an APR.	

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Prior and current year IHBG (only) funds to be expended in 12-month program year (L)	Total all other funds to be expended in 12-month program year (M)	Total funds to be expended in 12-month program year (N=L+M)
\$360,000.00	\$0.00	\$360,000.00

2020-04 : Provide Crime Prevention activities to the residents of the affordable housing areas served by UPTHA.

Program Name:	Provide Crime Prevention activities to the residents of the affordable housing areas served by UPTHA.
Unique Identifier:	2020-04
Program Description (continued)	UPTHA plans to continue to fund crime prevention and youth drug prevention program activities for residents of affordable housing areas in each of the five county service area. This part of an ongoing program for youth that we have funded for many years.
Eligible Activity Number	(21) Crime Prevention and Safety [202(5)]
Intended Outcome Number	(11) Reduction in crime reports
APR: Actual Outcome Number	This information is only completed for an APR.
Who Will Be Assisted	Eligible low income Indian families.
Types and Level of Assistance	The type of assistance UPTHA plans to provide is funding drug and crime prevention programs. The level of financial assistance for each of the five tribal bands we serve will be up to \$25,000 per band. The Drug Prevention Program (DPP) main purpose is to provide an after school setting for youth. The program is to provide educational services in three main areas of tutoring, cultural and preventative programs with an emphasis on crime prevention. Over the years, this program has provided the young residents of our affordable housing areas with an opportunity to

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EPIC - U.S. Department of Housing and Urban Development (HUD)

	participate in organized activities that help them learn about the harmful affects of drugs along with why participating in criminal activity at a young age will affect their ability to get a quality education and employment later on in life. We assist the youth by having our respected elders and other peers participate in some of the activities to share their experiences with the youth and explain that the use of illegal drugs and other controlled substances is not part of the tribe's culture.				
APR : Describe Accomplishments	This Information is only completed for an APR.				
Planned and Actual Outputs for 12-Month Program Year	<table border="1"> <thead> <tr> <th>Planned</th> <th>APR - Actual</th> </tr> </thead> <tbody> <tr> <td colspan="2">The output measure being collected for this eligible activity is dollars. The dollar amount should be included as an other fund amount listed in the Uses of Funding table.</td> </tr> </tbody> </table>	Planned	APR - Actual	The output measure being collected for this eligible activity is dollars. The dollar amount should be included as an other fund amount listed in the Uses of Funding table.	
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Prior and current year IHBG (only) funds to be expended in 12-month program year (L)	Total all other funds to be expended in 12-month program year (M)	Total funds to be expended in 12-month program year (N=L+M)
\$125,000.00	\$0.00	\$125,000.00

2020-05 : Provide Down Payment and Closing Cost Assistance to Eligible tribal families

Program Name:	Provide Down Payment and Closing Cost Assistance to Eligible tribal families				
Unique Identifier:	2020-05				
Program Description (continued)	Provide down payment and closing cost assistance to eligible tribal families in accordance with our adopted policies and procedures.				
Eligible Activity Number	(13) Down Payment/Closing Cost Assistance [202(2)]				
Intended Outcome Number	(2) Assist renters to become homeowners				
APR: Actual Outcome Number	This Information is only completed for an APR.				
Who Will Be Assisted	Eligible low income tribal families.				
Types and Level of Assistance	UPTHA plans to provide up to \$25,000 per family to assist two families this plan year with down payment and closing cost assistance in accordance with our adopted policies and procedures.				
APR : Describe Accomplishments	This Information is only completed for an APR.				
Planned and Actual Outputs for 12-Month Program Year	<table border="1"> <thead> <tr> <th>Planned</th> <th>APR - Actual</th> </tr> </thead> <tbody> <tr> <td>Number of Units to be Completed in Year</td> <td>0 This information is only completed for an APR.</td> </tr> </tbody> </table>	Planned	APR - Actual	Number of Units to be Completed in Year	0 This information is only completed for an APR.
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Prior and current year IHBG (only) funds to be expended in 12-month program year (L)	Total all other funds to be expended in 12-month program year (M)	Total funds to be expended in 12-month program year (N=L+M)
\$50,000.00	\$0.00	\$50,000.00

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EPIC - U.S. Department of Housing and Urban Development (HUD)

2020-06 : Provide Housing Services to Homeowners

Program Name:	Provide Housing Services to Homeowners	
Unique Identifier:	2020-06	
Program Description (continued)	We plan to provide insurance coverage on homes owned and occupied by eligible elderly families and persons with disabilities as a housing services activity. Many of our elderly tribal families and tribal members who are persons with disabilities live in conveyed mutual help homes and don't have insurance coverage on their homes for a variety of reasons. If their home is destroyed by fire or some other cause, the family becomes homeless as there is no other affordable housing available. therefore, by providing coverage for these families, the families will not become homeless and not be requesting assistance from UPTHA. This outcome of this activity will prevent homelessness.	
Eligible Activity Number	(18) Other Housing Service [202(3)]	
Intended Outcome Number	(5) Address homelessness	
APR: Actual Outcome Number	This Information is only completed for an APR.	
Who Will Be Assisted	Low income elderly tribal members and low income tribal members who are documented persons with disabilities will be assisted.	
Types and Level of Assistance	We will provide home-owner insurance coverage on up to 30 low income elderly families and tribal members who are documented persons with disabilities.	
APR : Describe Accomplishments	This Information is only completed for an APR.	
Planned and Actual Outputs for 12-Month Program Year	Planned Number of Households to be served in Year 0	APR - Actual This Information is only completed for an APR.
APR: If the program is behind schedule, explain why	This information is only completed for an APR.	

Uses of Funding:

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Prior and current year IHBG (only) funds to be expended in 12-month program year (L)	Total all other funds to be expended in 12-month program year (M)	Total funds to be expended in 12-month program year (N=L+M)
\$0.00	\$15,000.00	\$15,000.00

2020-07 : Resident Opportunity Self-Sufficiency

Program Name:	Resident Opportunity Self-Sufficiency	
Unique Identifier:	2020-07	
Program Description (continued)	Resident opportunity and self sufficiency.	
Eligible Activity Number	(19) Housing Management Services [202(4)]	
Intended Outcome Number	(12) Other-must provide description in the box below If Other: TBD	
APR: Actual Outcome Number	This information is only completed for an APR.	
Who Will Be Assisted	TBD	
Types and Level of Assistance	TBD	
APR : Describe Accomplishments	This Information is only completed for an APR.	
Planned and Actual Outputs for 12-Month Program Year	Planned Number of Households to be served in Year 20	APR - Actual This Information is only completed for an APR.

6/9/2019

EPIC - U.S. Department of Housing and Urban Development (HUD)

APR: If the program is behind schedule, explain why

This information is only completed for an APR.

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Prior and current year IHBG (only) funds to be expended in 12-month program year (L)	Total all other funds to be expended in 12-month program year (M)	Total funds to be expended in 12-month program year (N=L+M)
\$5,000.00	\$50,000.00	\$55,000.00

Maintaining 1937 Act Units, Demolition, and Disposition

Maintaining 1937 Act Units	UPTHA plans to maintain and operate our Current Assisted Stock (CAS) in accordance with UPTHA adopted maintenance policies and procedures to ensure the units remain viable as affordable housing.
Demolition and Disposition	UPTHA does not plan to demolish and/or dispose of any housing units during this year.

Budget Information**Sources of Funding**

Funding Source	Amount on hand at beginning of program year (A)	Amount to be received during 12-month program year (B)	Total sources of funds (C=A+B)	Funds to be expended during 12-month program year (D)	Unexpended funds remaining at end of program year (E=C-D)
IHBG Funds:	\$0.00	\$1,893,000.00	\$1,893,000.00	\$1,893,000.00	\$0.00
IHBG Program Income:	\$800,000.00	\$350,000.00	\$1,150,000.00	\$392,000.00	\$758,000.00
Title VI:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Title VI Program Income:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1937 Act Operating Reserves:	\$0.00		\$0.00	\$0.00	\$0.00
Carry Over 1937 Act Funds:	\$0.00		\$0.00	\$0.00	\$0.00
LEVERAGED FUNDS					
ICDBG Funds:	\$330,000.00	\$0.00	\$330,000.00	\$330,000.00	\$0.00
Other Federal Funds:	\$133,000.00	\$0.00	\$133,000.00	\$50,000.00	\$83,000.00
LIHTC:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Non-Federal Funds:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total:	\$1,263,000.00	\$2,243,000.00	\$3,506,000.00	\$2,665,000.00	\$841,000.00

Uses of Funding

Program Name	Unique Identifier	Prior and current year IHBG (only) funds to be expended in 12-month program year (L)	Total all other funds to be expended in 12-month program year (M)	Total funds to be expended in 12-month program year (N=L+M)
Modernization of 1937 Act Housing	2020-01	\$25,000.00	\$330,000.00	\$355,000.00
Operating and maintaining our current assisted stock	2020-02	\$950,000.00	\$377,000.00	\$1,327,000.00

6/9/2019

EPIC - U.S. Department of Housing and Urban Development (HUD)

Provide Tenant Based Rental Assistance Through our housing services program	2020-03	\$360,000.00	\$0.00	\$360,000.00
Provide Crime Prevention activities to the residents of the affordable housing areas served by UPTHA.	2020-04	\$125,000.00	\$0.00	\$125,000.00
Provide Down Payment and Closing Cost Assistance to Eligible tribal families	2020-05	\$50,000.00	\$0.00	\$50,000.00
Provide Housing Services to Homeowners	2020-06	\$0.00	\$15,000.00	\$15,000.00
Resident Opportunity Self-Sufficiency	2020-07	\$5,000.00	\$50,000.00	\$55,000.00
Planning and Administration		\$378,000.00	\$0.00	\$378,000.00
Loan Repayment (describe in 4 & 5 below)		\$0.00	\$0.00	\$0.00
Total		\$1,893,000.00	\$772,000.00	\$2,665,000.00

APR

APR

The answer to this question is only requested for an APR.

Other Submission Items

Useful Life/Affordability Period(s)	IHBG Funds invested Useful Life Period extended Under \$5,000 = 6 Months, \$5,000 to \$15,000 = Years, \$15,001 to \$40,000 = 10 Years, and over \$40,000 = 15 Years.										
Model Housing and Over-Income Activities	UPTHA does not plan to undertake any Model Activities during this plan year.										
Tribal and Other Indian Preference Does the tribe have a preference policy?	YES In Accordance with UPTHA Procurement Policy for Indian Preference description. UPTHA will continue to provide preference to members of the Palute Indian Tribe of Utah and then preference will be given to Native Americans who are members of other Federally recognized tribes.										
Anticipated Planning and Administration Expenses Do you intend to exceed your allowable spending cap for Planning and Administration?	NO										
Actual Planning and Administration Expenses Did you exceed your allowable spending cap for Planning and Administration?	The answer to this question is only requested for an APR.										
Does the tribe have an expanded formula area?:	NO										
Total Expenditures on Affordable Housing Activities:	<table> <thead> <tr> <th></th><th>All AIAN Households</th><th>AIAN Households with Incomes 80% or Less of Median Income</th></tr> </thead> <tbody> <tr> <td>IHBG Funds</td><td>\$0.00</td><td>\$0.00</td></tr> <tr> <td>Funds from Other Sources</td><td>\$0.00</td><td>\$0.00</td></tr> </tbody> </table>			All AIAN Households	AIAN Households with Incomes 80% or Less of Median Income	IHBG Funds	\$0.00	\$0.00	Funds from Other Sources	\$0.00	\$0.00
	All AIAN Households	AIAN Households with Incomes 80% or Less of Median Income									
IHBG Funds	\$0.00	\$0.00									
Funds from Other Sources	\$0.00	\$0.00									
For each separate formula area, list the expended amount	The answer to this question is only requested for an APR.										

Indian Housing Plan Certification Of Compliance

6/9/2019

EPIC - U.S. Department of Housing and Urban Development (HUD)

In accordance with applicable statutes, the recipient certifies that it will comply with the Civil Rights Act of 1968 and other federal statutes, to the extent that they apply to tribes and TDHES.

YES

In accordance with 24 CFR 1000.328, the recipient receiving less than \$200,000 under FCAS certifies that there are households within its jurisdiction at or below 80 percent of median income.

Not Applicable

The recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD:

YES

Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA:

YES

Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA:

YES

Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA:

YES

Tribal Wage Rate Certification

1. You will use tribally determined wage rates when required for IHBG-assisted construction or maintenance activities. The Tribe has appropriate laws and regulations in place in order for it to determine and distribute prevailing wages.

2. You will use Davis-Bacon or HUD determined wage rates when required for IHBG-assisted construction or maintenance activities.

YES

3. You will use Davis-Bacon and/or HUD determined wage rates when required for IHBG-assisted construction except for the activities described below.

4. List the activities using tribally determined wage rates:

Tamra Borchardt-Slayton

From: Carol Garcia
Sent: Tuesday, June 18, 2019 8:21 AM
To: Tamra Borchardt-Slayton
Subject: FW: UPTHA BOC Response Letter - 06/17/2018
Attachments: UPTHA BOC Response Letter.pdf

From: James Emery <jcemery763@gmail.com>
Sent: Monday, June 17, 2019 3:30 PM
To: Carol Garcia <cgarcia@utahpaiutes.org>
Subject: UPTHA BOC Response Letter - 06/17/2018

Forwarding on behalf of the UPTHA Board of Commissioners

James C. Emery, MBA
Executive Director
Utah Paiute Tribal Housing Authority
565 North 100 East
Cedar City, Utah 84721
Phone: (435) 586-1122, Ext #102
Fax: (435) 586-0896
jcemery763@gmail.com
www.utahpaiutehousing.org



Utah Paiute Tribal Housing Authority

535 North 100 East • Cedar City, Utah 84721 • (435) 586-1122

June 15, 2019

Paiute Tribe of Utah (PITU)
440 Paiute Drive
Cedar City, Utah 84721

Re: PITU Chairperson Letter – Dated: June 4, 2019

Dear Chairwoman:

We acknowledge receiving your letter dated June 4, 2019 proposing a meeting and discussion concerning an Indian Housing Plan Agreement as well as the proposed dates for the discussion on June 20th or June 27th, 2019. Unfortunately, prior engagements prevent us from meeting with you on either of those proposed dates.

Please provide additional dates when you are available to meet as well as a copy of the proposed agenda along with any pertinent information supporting this proposed discussion.

Sincerely,

Board of Commissioners,
Utah Paiute Tribal Housing Authority

Tamra Borchardt-Slayton

From: James Emery <jcemery763@gmail.com>
Sent: Friday, July 12, 2019 9:06 PM
To: Tamra Borchardt-Slayton; LaTosha Mayo; Jeanine Borchardt (Indian Peaks Chair); Carol Garcia; Delice Tom; Darlene Arrum
Cc: Betty Cuch; Toni Kanosh; Halena Blandford; travis duran
Subject: 2020 Indian Housing Plan Certification - Due: July 18, 2019
Attachments: 2020 Indian Housing Plan.pptx; Section 8 - IHP Tribal Certification.pdf

Dear Tribal Council,

Attached is the 2020 Indian Housing Plan (Final) for your review. HUD ONAP policy requires the tribe to provide certification to the correctness of the plan by way of the tribal chair signing the attachment certification document below. Once the certification is complete, please email back to me or forward the certification directly to Luisa Bonilla, Grants Manager, HUD ONAP Denver on or before **July 18, 2019**.

Note: There were no comments received during the 30 day comment period.

Sincerely,

James C. Emery, MBA
Executive Director
Utah Paiute Tribal Housing Authority
565 North 100 East
Cedar City, Utah 84721
Phone: (435) 586-1122, Ext #102
Fax: (435) 586-0896
jcemery763@gmail.com
www.utahpha.org

Tamra Borchardt-Slayton

From: Roget, Lori L <Lori.L.Roget@hud.gov>
Sent: Wednesday, July 17, 2019 1:45 PM
To: James Emery; ajimenez@utahpha.org
Cc: Bonilla, Luisa A; Tamra Borchardt-Slayton; Betty Cuch
Subject: 2020 IHP Submission

Hi April,

Thanks for speaking with me today regarding the 2020 IHP submission. As we discussed, the deadline for submission is tomorrow COB. This is a hard deadline. If it is missed, then UPTHA will be ineligible to receive IHBG funding next year unless a waiver is granted based on exigent circumstances beyond the control of the Utah Paiute Tribe.

The IHP need not be complete, it just needs to be submitted at the following website using Internet Explorer (not Firefox or Chrome):

https://portalapps.hud.gov/app_epic/login.do?cmd=doLoginHome

As far as I know, James is the only person registered to use this site on behalf of UPTHA.

After submission, we will have 60 days to review the IHP and obtain any necessary information.

Luisa is out until tomorrow, but it is imperative that the IHP be submitted on time.

If you have any questions, please let me know. We will be following up tomorrow.

Thanks, Lori

Lori Roget
Grants Management Division Director
Northern Plains Office of Native American Programs
U.S. Department of Housing and Urban Development
1670 Broadway, 24th Floor
Denver, CO 80202
(303) 672-5175
Fax: (303) 672-5003

EC Ed Clay Goodman <EGoodman@hobbsstrauss.com>
FW: MOA between UPTHA and Paiute Indian Tribe of Utah

To: Tamm Borchardt-Slayton
190718 PITU UPTHA IHBG Agreement 2019 .pdf
607 KB

To: James Emery <jemery763@gmail.com>; jim@southernutahlaw.com<jim@southernutahlaw.com>
Cc: 'bcuch@utahpaites.org' <bcuch@utahpaites.org>
Subject: MOA between UPTHA and Paiute Indian Tribe of Utah

Mr. Emery and Mr. Jensen,

I am writing on behalf of our firm's client, the Paiute Indian Tribe of Utah. As you are likely aware, today is the deadline for submitting a Tribally-approved IHP for FY2020 IHBG funding. The Tribe has been trying to set up a meeting with UPTHA for several weeks now to discuss approval of the IHP and certain requirements that will need to be a part of that process. As I understand, those attempts have been rebuffed.

I am forwarding along with this email an MOA to be executed between the Tribe and UPTHA. The Tribe is requiring that UPTHA execute this MOA prior to the Tribe approving the IHP. The MOA sets out the basic elements of oversight and compliance for activities carried out with the FY 2020 IHBG funds (as well as for the IHBG competitive funds, should UPTHA apply for and receive those funds).

Please execute the attached and return to me. Let me know if you have any questions.

Thank you,

Ed

Ed Clay Goodman, Partner
T 503.242.1745 | F 503.242.1072
HOBBS STRAUS DEAN & WALKER, LLP
516 S.E. Morrison, Suite 1200, Portland, OR 97214
HOBBSSTRAUS.COM

Hobbs, Straus, Dean and Walker, LLP. Confidentiality Statement

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THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659

INDIAN HOUSING BLOCK GRANT MEMORANDUM OF AGREEMENT

1. **PARTIES:** This Memorandum of Agreement (“MOA”) is between the Paiute Indian Tribe of Utah, hereinafter referred to as the TRIBE, and the Utah Paiute Tribal Housing Authority, hereinafter referred to as the TDHE. The TDHE is the Tribally Designated Housing Entity of the Tribe and an independent contractor, performing services as the recipient of the TRIBE’s Indian Housing Block Grant (IHBG) funds on behalf of the TRIBE in fulfillment of obligations as an IHBG recipient. Except as described in this MOA, the TDHE is not an agent or representative of the TRIBE.
2. **TERM:** The term of this MOA is from the date of execution and signature of the parties until the date that the FY 2020 IHBG funds and FY2018-2019 IHBG Competitive NOFA funds (if the TDHE is successful in applying for such funds) are fully expended and the useful life of any projects funded with those funds expires, whichever is later.
3. **BINDING COMMITMENT:** The TDHE shall execute binding commitments satisfactory to the Secretary of HUD and placed on any projects developed with FY2020 IHBG funds and FY2018-2019 IHBG Competitive NOFA funds (if the TDHE is successful in applying for such funds) to ensure that the homes developed pursuant to this MOA will remain affordable for its “useful life/affordability period” to satisfy the requirements of section 205(a)(2) of NAHASDA (codified at 25 U.S.C. § 4135(a)(2)) and set forth in guidance on binding commitments provided by the HUD Office of Native American Programs (published in No. 2013-06 (R)). Further, the TDHE will ensure that a “binding commitment” is executed as a written agreement with all individuals who receive assistance through the contemplated project. These binding commitments will be imposed by recorded deed restrictions, covenants running with the land, or other mechanisms approved by HUD, except that the useful life/affordability period restrictions may terminate upon foreclosure by a lender (or transfer in lieu of foreclosure) as long as the action is not for the purpose of avoiding low-income affordability restrictions. The written agreement may contain a schedule outlining a payback of a decreasing balance of assistance or percentage equity over the useful life/affordability period or affordability period that would have to be reimbursed to the recipient’s program if a subsequent occupant does not meet the IHBG and/or Title VI eligibility requirements
4. **PROPOSAL REVIEW:** The TDHE agrees to give the TRIBE two (2) months to review the proposal to be submitted in response to the FY 2018-2019 IHBG Competitive Funds NOFA and work with the TDHE on any modifications before the proposal is submitted to HUD.
5. **PROGRAM MANAGEMENT:** The TDHE acknowledges and understands that:
 - a. The TRIBE is the beneficiary of the IHBG and IHBG Competitive Grant funding; and
 - b. The TRIBE shall be kept apprised of and wherever possible cc’d on all communications between the TDHE and HUD; and
 - c. The TDHE is responsible for following the TRIBE’s financial policies and procedures for procurement and OMB Super Circular guidelines on grants and grant management; and

- d. The TDHE understands that according to 2 CFR 200.319, “*contractors that develop or draft specifications, requirements, statements of work or invitations for bids or requests for proposals must be excluded from competing for such procurements. This restriction applies to contractors that either have provided or will provide these services in connection with the project for with IHBG funding is being provided*”;
 - e. Contractors who write or participate in the development of an IHBG proposal are excluded from contracting on an approved contract; and
 - f. Once a proposal is approved, the Project is the TDHE’s Project and the TDHE is responsible for carrying out all of Project deliverables, abiding by all terms and conditions in the notice of award, meeting Project timelines, and reporting any variances to the TRIBE in a timely manner that need to be reported to the granting agency; and
 - g. The TDHE will be responsible for procuring contracts in accordance with OMB Super Circulars and the TRIBE’s Financial Management Policies; and
 - h. The TDHE will be responsible for verifying all potential contractors are not on the debarred or suspended list as detailed in the TRIBE’s financial management policy.
 - i. The TDHE is responsible for determining how it will manage the IHBG grant, including compliance with all established budgets, cost limitations, applicable timelines and regulations.
 - j. The TDHE agrees to adhere to the approved timeline it submitted in its proposal. Any delays must be reported and can cause a negative impact on future funding.
 - k. The TDHE agrees to meet all granting agency conditions within the approved time period.
 - l. The TDHE agrees to write a policy to house essential families as defined by Section 201(b)(3) of NAHASDA, to meet the needs of the tribes staffing needs.
 - m. The TRIBE is responsible for the funding received by the TDHE and has the right to
 - (1) Monthly financial reports given at tribal council meetings
 - (2) Investigate if any question of mismanagement of funds once reported
 - (3) Input on Annual Audit
6. PROGRAM REQUIREMENTS: the TDHE must provide the following:
- a. Confirmation that any projects developed with FY2020 IHBG funds and FY2018-2019 IHBG Competitive NOFA funds (if the TDHE is successful in applying for such funds) have been presented to all Tribal Members
 - b. TDHE Approved Indian Housing Plan and Application for the FY2018-2020 IHBG Competitive Funds.
 - c. Completed Environmental Reviews and are in compliance with all applicable law and regulations.
7. RECORDS AND REPORTS TO BE MAINTAINED BY THE TDHE
- a. Establishment and Maintenance of Records.
 - (1) TDHE shall maintain records, including, but not limited to, financial records, bid documents, and all other records sufficient to reflect all direct and indirect costs incurred to perform the development of the Project.
 - (2) TDHE shall maintain reports as to its performance under this MOA and its compliance with applicable law, regulation, and guidance. TDHE shall establish and maintain all backup data necessary to support those reports.
 - (3) TDHE is responsible for maintaining all other records and reports as required by law.
 - b. Preservation of Records and Reports.
 - (1) TDHE shall preserve and make available for review and inspection all records and reports related to the development of the Project under this MOA.
8. ADMINISTRATIVE FEE: The TDHE agrees to budget a 5% administrative fee of the total funds administered for the TRIBE to cover its administrative efforts in coordinating with the granting agency.

9. PROJECT EXPENSES: the TDHE agrees that it is solely responsible for the following costs related to the IHBG Project:
- All expenses related to the proposal development and grant submission.
 - All matching contributions identified in the Application
 - Costs for the Feasibility Study
 - Costs for the Environmental Assessment/Reviews
 - All start-up capital
 - All matching contributions
 - Any additional expenditures exceeding the approved budgeted amounts are not allowable, will require a revised approved budget from HUD, and will be the sole responsibility of the TDHE.
 - Any and all invoices that are budgeted in the approved IHBG budget.
 - Any and all permitting fees (if applicable)
 - Any and all liens placed on the property
 - Any and all balances owed on charge accounts associated with the Project
10. ATTORNEY FEES: Any and all attorney fees and costs that arise or that are associated with the TDHE's IHBG Project will be charged to the TDHE and the TDHE will pay for all attorney fees and costs that the TRIBE incurs on behalf of the TDHE and its Project.
11. GENERAL: The TDHE acknowledges and understands:
- The TRIBE is the beneficiary of the funding received by the TDHE and has the right to
 - Monthly financial reports given at tribal council meetings
 - Investigate if any question of mismanagement of funds once reported
 - Input on Annual Audit
 - TDHE understand the relationship with the TRIBE and that it is responsible to report to the Tribal Council and receive input from the Tribal Council and not individual bands.
 - The TDHE must remain in compliance with all applicable law and regulations, including but not limited to the Native American Housing Assistance and Self-Determination Act (25 USC 4101 et seq), its implementing regulations (24 CFR part 1000), the terms of the NOFA, and any applicable laws of the State of Utah.
 - The TDHE agrees that the Board of Commissioners
 - Provide a list of travel and trainings related to the Project quarterly and be approved prior to travel with a full report to the TRIBE upon completion of travel/training
 - No Commissioner will be compensated for work performed in any program offered by the TDHE
 - The TDHE agrees to work with the TRIBE on
 - Placing the old TDHE Building into Trust
 - TDHE agrees to work with TRIBE and Bureau of Indian Affairs on lease agreements
12. NOTIFICATION REQUIREMENT. The TDHE agrees to notify the TRIBE immediately if claims are made against the TDHE in any civil action or proceeding that arises from the activities contemplated under this MOA, and to cooperate in good faith to assist in any defense that may be provided by the Department of Justice or the TRIBE.
13. ASSUMPTION OF RISK. TDHE will assume all risks and dangers inherent in the development and use of the projects developed and funded with FY2020 IHBG funds and FY2018-2019 IHBG Competitive NOFA funds (if the TDHE is successful in applying for such funds). TDHE agrees to use its best judgment in the development and use of the projects and to follow generally accepted safety principles. TDHE waives and releases the TRIBE from any claim for personal injury, property damage, or death that may arise from TDHE's development and use of the projects, except to the extent such injury, damage, or death is the result of the negligence of the TRIBE or its agents, employees, or representatives.

14. INDEMNIFICATION. TDHE agrees to hold harmless, indemnify, and defend the TRIBE (including the TRIBE's agents, employees, and representatives) from any and all liability for injury or damage including, but not limited to, bodily injury, personal injury, emotional injury, or property damage which may result from any person using the above described premises for TDHE's purposes, except and unless such injury or damage is the result of the negligence of the TRIBE or the TRIBE's agents, employees, or representatives. The TRIBE agrees to hold harmless, indemnify, and defend TDHE (including TDHE's agent, employees, and representatives) from any and all liability for injury or damage including, but not limited to, bodily injury, personal injury, emotional injury, or property damage, which may result from the negligence of the TRIBE or the TRIBE's agents, employees, or representatives.
15. TERMINATION AND SUSPENSION. The TRIBE retains the right to suspend or terminate this MOA should TDHE in any way materially fail to comply with any of the terms and provisions of this MOA. Such suspension or termination must be made in writing provided to TDHE.
16. NO ASSIGNMENTS. TDHE agrees that it will not assign any of its rights under this MOA without the written consent of the TRIBE, and any such assignment will automatically void this MOA at the sole option of the TRIBE.
17. REPORTING; FAILURE TO COMPLY WITH THE TERMS OF THIS AGREEMENT: TDHE agrees that if it fails to comply with the terms of this MOA, the TDHE may lose its TDHE Status and Funding. It shall be the responsibility of the TDHE to manage its resources in such a manner as to provide and maintain the level, scope, and quality of services required by this MOA throughout the term of this MOA within the budget provided. However, if, at any time during the term of this MOA, the Tribe becomes aware that it cannot provide the required services for the agreed upon price, it shall immediately so notify the TRIBE. Thereafter, the TDHE shall propose any necessary changes to the scope of work in this MOA to resolve the TDHE's inability to perform. The parties shall then meet and attempt to reach agreement on how the required services can be provided or whether this MOA should be terminated. At the time of the meeting, the parties will discuss all options proposed by the Tribe that might be available to resolve the service delivery situation.

The TDHE, as a sub-recipient of Federal financial assistance, agrees to comply with the requirements of all OMB cost circulars as well as the Tribe's financial management policy.

WITNESS WHEREOF, the parties sign and cause this Memorandum of Agreement to be executed:

Tamra Borchardt-Slayton Date
Chairwoman
Paiute Indian Tribe of Utah

Tribal Administrator Date
Paiute Indian Tribe of Utah

CFO Date
Paiute Indian Tribe of Utah

BOC Chairperson Date

BOC Vice Chairperson Date

BOC Council Member Date

BOC Council Member Date

BOC Secretary Date

IHBG MOA: 07/18/2019

JENSEN LAW OFFICE

ATTORNEY AT LAW

P.O. Box 726
250 South Main
Cedar City, Utah 84720
TELEPHONE (435) 586-4404
FAX (435) 586-1002

JAMES W. JENSEN, P.C.

jim@southernutahlaw.com
www.southernutahlaw.com

July 18, 2019

Via Email Transmittal: Egoodman@hobbsstrauss.com
and Via Facsimile: (503) 242-1072

Ed C. Goodman
HOBBS STRAUS DEAN & WALKER, LLP
516 S.E. Morrison, Ste 1200
Portland, Oregon 97214

RE: Utah Paiute Tribal Housing Authority
[Proposed] MOA with Paiute Indian Tribe of Utah

Dear Mr. Goodman:

I am in receipt of your email of today's date regarding the above-referenced matter, together with the therein-referenced [proposed] MOA between the Paiute Indian Tribe of Utah (PITU) and the Utah Paiute Tribal Housing Authority (UPTHA). The following comments are in order.

First, the allegation contained in your email that my client has rebuffed the tribe's efforts to set up a meeting to discuss the IHP is incorrect. The tribe contacted my client on one occasion wherein it requested a meeting; however, the request was made on extremely short notice, and my client was unable to accommodate such request. My client so advised the tribe, and requested that the tribe provide to it additional available dates for the meeting, wherein my client could determine a mutually agreeable date and time therefore. The tribe failed to respond to such request. As such, no meeting was scheduled.

Next, as you stated in your email of today's date, your client was and is fully aware that today is the deadline to submit the tribally-approved IHP for the FY2020 IHBG funding. Despite this knowledge, your client intentionally and deliberately waited until the deadline date to submit to my client the [proposed] MOA, with a demand that it be signed before the tribe would submit its certification. To say that I am surprised that you would participate in such an endeavor would be a great understatement. There are substantive issues contained within the [proposed] MOA that cannot be addressed at a moment's notice. To demand my client sign the same on the deadline date for submission of the IHP is underhanded, and constitutes coercion, duress, undue influence and unclean hands on the part of your client. The tribe is overreaching its authority. That said, my client understands that your client may have concerns related to the funding, and appreciates the need to meet and confer in an attempt to resolve such concerns. However, my client needs time to thoroughly review the [proposed] agreement to evaluate its contents, and to evaluate the concerns of the tribe, which my client is willing to do within a fair and equitable timeframe. I strongly encourage you to counsel your client to submit its certification for the IHP today, as the same presently exists, in order that my client can obtain the funding necessary for fiscal year 2020. This will afford my client the opportunity to address your client's concerns, and

JENSEN LAW OFFICE
Attorney at Law

Ed C. Goodman
Page 2
July 18, 2019

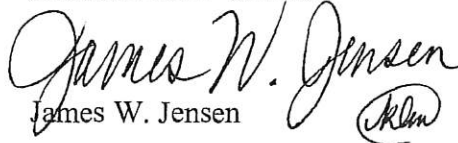

the MOA, for fiscal year 2021.

Further, in the event the tribe fails and refuses to submit its certification for the FY2020 IHBG funding, the UPTHA's economic relations will be substantially impacted, and it will have no option but to cut costs, which would include, but not be limited to, eliminating the drug prevention program, eliminating the back-to-school program and eliminating its donation to the tribe. In addition, it would have to increase rents and reduce benefits to staff, employees, and all other persons and/or parties associated or under contract with the UPTHA. My client intends to communicate this information to any and all persons or parties who may be affected by the loss of funding for fiscal year 2020 should your client fail and refuse to submit its certification today. Cutting programs and costs does nothing but serve to adversely affect the tribal bands and the tribal members, which is contrary to the purpose of both the PITU and the UPTHA.

Finally, please advise my office immediately whether or not your client intends to submit its certification of the IHP today. I encourage you to counsel your client to do what is in the best interests of the band and tribal members. Thank you.

Very truly yours,

JENSEN LAW OFFICE


James W. Jensen 

JWJ/klm

cc: Board of Commissioners - UPTHA
James C. Emery, Executive Director - UPTHA

Tamra Borchardt-Slayton

From: Tamra Borchardt-Slayton
Sent: Thursday, July 18, 2019 4:55 PM
To: Lori.L.Roget@hud.gov
Cc: Bonilla, Luisa A; Carol Garcia; Jeanine Borchardt (Indian Peaks Chair); LaTosha Mayo; Delice Tom; Ed Clay Goodman
Subject: IHP 2020 PITU Certification
Attachments: PITU Letter to HUD 7.18.19.pdf; PITU UPTHA IHBG Agreement 2019 7.18.19.pdf; Goodman ltr July 18 2019.pdf; Original E-mail Jim Jensen 7.18.19.JPG

Ms. Roget,

Please see the attached documents.

Best,

Tamra Borchardt-Slayton
The Paiute Indian Tribe of Utah Chairperson
Paiute Indian Tribe of Utah
440 N Paiute Drive Cedar City, UT 84721
Office: (435)586-1112 ext. 102
Cell: (435) 691-3946
tslayton@utahpaiutes.org

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THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659

July 18, 2019

Lori Roget
Grants Management Division Director
Northern Plains Office of Native American Programs
U.S. Department of Housing and Urban Development
1670 Broadway, 24th Floor
Denver, CO 80202

Dear Ms. Roget,

The Paiute Indian Tribe of Utah is writing this letter to the US Department of Housing and Urban Development, Office of Native American Programs to inform you that we will be signing the certification for the FY2020 IHBG Indian Housing Plan ("IHP"). We are also requesting a meeting with HUD and the Utah Paiute Tribal Housing Authority ("UPTHA") to discuss each other's roles and responsibilities in the near future.

One of the most troubling issues that we have with this IHP is that UPTHA, the recipient of the funds for which the Tribe is the beneficiary, never presented this IHP in an open council meeting for the Tribal Council to review, consider, and approve. According to the applicable Tribal structure and Tribal laws, the Tribal Chairperson cannot act without the approval of the Tribal Council, and I could not sign off on the IHP on my own authority. Thus, in order to preserve and protect this critical funding, the Tribal Council was forced to call an emergency council meeting to meet this deadline. Being placed in this situation by UPTHA is unacceptable, particularly given ongoing and unresolved issues regarding UPTHA's resistance to the Tribe's oversight role. In fact, the Tribe – through its legal counsel – requested that UPTHA execute a Memorandum of Agreement ("MOA") to clarify oversight and accountability as a condition of approval. UPTHA's response, through its attorney, was a hyperbolic letter full of vitriol and threats. That letter also indicated UPTHA's willingness to forego the FY 2020 IHBG funding rather than sign off on a modest MOA, which largely tracks similar MOAs entered between the Tribe and Bands in the past for ICDBG funding. (I have attached a copy of that MOA so you can see what the Tribal Council was requesting.) The Tribe, while understandably distressed at such posturing as well as the disastrous results that it would entail, was not willing to match that level of irresponsibility, and has signed off on the IHP certification. We will still pursue execution of the MOA with UPTHA to cover the FY 2020 funding.

Nevertheless, we want to make it clear that in our discussion with roles for the FY2021 IHP that we will insist on an MOA that adequately sets out the roles and responsibilities of the Tribe and UPTHA in order

to provide for adequate oversight and responsibility. That MOA must be executed on a yearly basis. The Tribe will also write new Ordinances that reflect the needs of the tribe as a whole.

I look forward to continuing to work together with HUD, and I hope that we are able to find a reasonable partner in UPTHA going forward. If you have any questions, please feel free to contact me at tslayton@utahpaiutes.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamra Borchardt-Slayton". The signature is fluid and cursive, with the last name being more prominent.

Tamra Borchardt-Slayton
Paiute Indian Tribe of Utah
Tribal Chairwoman

Enclosures (1)

Tamra Borchardt-Slayton

From: Roget, Lori L <Lori.L.Roget@hud.gov>
Sent: Thursday, July 18, 2019 5:21 PM
To: Tamra Borchardt-Slayton
Cc: Bonilla, Luisa A; Carol Garcia; Jeanine Borchardt (Indian Peaks Chair); LaTosha Mayo; Delice Tom; Ed Clay Goodman
Subject: RE: IHP 2020 PITU Certification

Hello Chairman Borchardt-Slayton,

Thank you for sending us these documents. Ms. Cuch was able to access the system we use for IHP submissions and successfully submit UPHA's 2020 IHP. We will need a tribal certification before the plan can be found in compliance. Luisa and I look forward to scheduling a call with the Tribe and TDHE in the near future. For planning purposes, Luisa will be out next week and I am out the following week so we are looking at sometime in August.

Will be talking with you soon.

Lori Roget
Grants Management Division Director
Northern Plains Office of Native American Programs
U.S. Department of Housing and Urban Development
1670 Broadway, 24th Floor
Denver, CO 80202
(303) 672-5175
Fax: (303) 672-5003

From: Tamra Borchardt-Slayton <tslayton@utahpaiutes.org>
Sent: Thursday, July 18, 2019 4:55 PM
To: Roget, Lori L <Lori.L.Roget@hud.gov>
Cc: Bonilla, Luisa A <Luisa.A.Bonilla@hud.gov>; Carol Garcia <cgarcia@utahpaiutes.org>; Jeanine Borchardt (Indian Peaks Chair) <jeanine.borchardt@gmail.com>; LaTosha Mayo <latoshamayo@gmail.com>; Delice Tom <dtom@skyviewmail.com>; Ed Clay Goodman <EGoodman@hobbsstrauss.com>
Subject: IHP 2020 PITU Certification

Ms. Roget,

Please see the attached documents.

Best,

Tamra Borchardt-Slayton
The Paiute Indian Tribe of Utah Chairperson
Paiute Indian Tribe of Utah
440 N Paiute Drive Cedar City, UT 84721
Office: (435) 586-1112 ext. 102
Cell: (435) 691-3946
tslayton@utahpaiutes.org

Tamra Borchardt-Slayton

From: Roget, Lori L <Lori.L.Roget@hud.gov>
Sent: Friday, July 19, 2019 8:02 AM
To: Tamra Borchardt-Slayton
Cc: Bonilla, Luisa A
Subject: RE: Signed IHP

Just what we needed. Thanks and have a great day, Lori

Lori Roget
Grants Management Division Director
Northern Plains Office of Native American Programs
U.S. Department of Housing and Urban Development
1670 Broadway, 24th Floor
Denver, CO 80202
(303) 672-5175
Fax: (303) 672-5003

From: Tamra Borchardt-Slayton <tslayton@utahpaiutes.org>
Sent: Thursday, July 18, 2019 5:50 PM
To: Roget, Lori L <Lori.L.Roget@hud.gov>
Cc: Bonilla, Luisa A <Luisa.A.Bonilla@hud.gov>
Subject: Signed IHP

I noticed I forgot to attach this.

Best,

Tami

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SECTION 8: IHP TRIBAL CERTIFICATION

NAHASDA § 102(c)

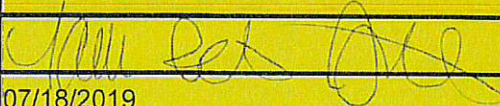
This certification is used when a Tribally Designated Housing Entity (TDHE) prepares the IHP or IHP amendment on behalf of a tribe.

This certification must be executed by the recognized tribal government covered under the IHP.

(1) The recognized tribal government of the grant beneficiary certifies that:

(2) ☒ It had an opportunity to review the IHP or IHP amendment and has authorized the submission of the IHP by the TDHE; or

(3) ☐ It has delegated to such TDHE the authority to submit an IHP or IHP amendment on behalf of the Tribe without prior review by the Tribe.

(4) Tribe:	The Paiute Indian Tribe of Utah
(5) Authorized Official's Name and Title:	Tamra Borchardt-Slayton, PITU Chairperson
(6) Authorized Official's Signature:	
(7) Date (MM/DD/YYYY):	07/18/2019